

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMY M. DURKEE,

Plaintiff,

File No. 1:05-CV-484

v.

HON. ROBERT HOLMES BELL

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**MEMORANDUM OPINION AND ORDER ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This action comes before the Court on Plaintiff Amy M. Durkee's objections to the Magistrate Judge's February 22, 2006, Report and Recommendation ("R&R") recommending that the final decision of the Commissioner of Social Security denying Plaintiff's claim for supplemental security income ("SSI") benefits be affirmed. This Court is required to make a de novo review upon the record of those portions of the R&R to which objection has been made. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b).

Plaintiff objects to the magistrate judge's recommendation because she contends that the ALJ had no credible information, evidence or testimony to support his finding that Plaintiff had the residual functional capacity ("RFC") to lift up to 20 pounds occasionally with 10 pounds frequently, and to sit, stand, or walk approximately six hours out of an eight-

hour work day. She contends that the ALJ made his determination solely on the basis of his determination that her testimony regarding her impairments was not entirely credible.

Contrary to Plaintiff's assertions, the ALJ's RFC determination was supported by more than his disbelief of Plaintiff's testimony. His conclusion was based upon his review of the reports from Plaintiff's orthopedists and the RFC assessment performed by Dr. Douglas on December 18, 2002. (AR 16-17, 219). The Court agrees with the magistrate judge that the ALJ's determination that plaintiff retained the RFC for simple, repetitive jobs is supported by more than substantial evidence.

**IT IS HEREBY ORDERED** that the February 22, 2006, Report and Recommendation of the Magistrate Judge is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that the final decision of the Commissioner of Social Security denying Plaintiff's claim for SSI benefits is **AFFIRMED**.

Dated: April. 11, 2006

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE